

## **REMARKS**

Claims 23-43 are pending, and stand rejected under 35 U.S.C. §103 over German Patent Publication DE 20219538 ("Warbeg") in view of US Patent Publication US 2003/0126953 ("Kushner"). Withdrawal of the rejection and allowance of the pending claims are respectfully requested in view of the following.

### **WARBEG IS NOT PRIOR ART**

Submitted herewith is a Declaration under 37 CFR §1.131 of the inventor, Brian Sun, which establishes possession of the claimed invention prior to the earliest priority date claimed in Warbeg. Warbeg published March 13, 2003, six (6) days before the March 19, 2003 priority date of the present application, and Warbeg was filed in Germany December 16, 2002, less than one year before the March 19, 2003 priority date of the present application. In the attached declaration of Mr. Sun, Mr. Sun presents correspondence and figures that establish his possession of the invention at least as early as July 5, 2002, which is prior to the December 16, 2002 earliest priority date of Warbeg. Further, a supporting Declaration of Emily Yip, an independent patent agent, verifies that the correspondence and figures referred to by Mr. Sun were in fact received by her by facsimile on July 5, 2002. Thus, while it is respectfully submitted that Warbeg does not teach or make obvious the present invention for reasons of record, the inventor of the present application had possession of the claimed invention before Warbeg. Therefore, Warbeg is not prior art and it is respectfully submitted that the rejection based on Warbeg should be withdrawn.

KUSHNER DOES NOT TEACH OR MAKE OBVIOUS THE CLAIMED  
INVENTION

It is respectfully submitted that Kushner does not teach or make obvious the claimed invention, and the deficiencies of Kushner cannot be met by other prior art. In view of this, allowance of the present claims is respectfully requested.

In order to expedite prosecution, should the Examiner have any questions, it is respectfully requested that the undersigned be contacted by telephone.

Respectfully submitted,

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